

A SUBSTITUTE ORDINANCE BY _____

AN ORDINANCE TO AMEND PART TWO, ARTICLE X, DIVISION 4 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, SO AS TO AMEND SECTION 2-1188 AND ADD A NEW SECTION 2-1188.1 TO PROVIDE FOR A LOCAL PREFERENCE IN AWARDS OF CONTRACTS; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS as follows:

SECTION ONE: Subsections (k)(10) and (k)(11) of Section 2-1188, of Part Two, Article X, Division 4 of the Code of Ordinances of the City of Atlanta, entitled "Competitive sealed bidding," are hereby amended as follows:

- (10) The number and scope of conditions attached to the bid by the bidder or firm, if any; **and**
- (11) Price; **and**

SECTION TWO: Subsection (k) of Section 2-1188, of Part Two, Article X, Division 4 of the Code of Ordinances of the City of Atlanta, entitled "Competitive sealed bidding," is hereby amended to add an additional subsection (12) thereof as follows:

- (12) **The compliance of the bidder or firm with the requirements of a local preference program as may be prescribed by ordinance.**

SECTION THREE: Part Two, Article X, Division 4 of the Code of Ordinances of the City of Atlanta, is hereby amended to add a new Section 2-1188.1 as follows:

SECTION 2-1188.1 Local Preference

(a) *Applicability:* This local preference program shall apply to any City contract as described in Section 2-1188, excluding competitive sealed proposals under Section 2-1189, small purchases not exceeding \$20,000 under Section 2-1190, sole source procurement under Section 2-1191, emergency procurement under Section 2-1192, and federally-funded projects (referred to hereinafter as "Eligible Local Projects").

(b) *Statement of Policy:* The City of Atlanta has a significant interest in encouraging the creation of employment opportunities for its residents and for businesses located within the City. As a purchaser of goods and services, the City will benefit from expanded job and business opportunities for its residents and businesses through additional revenues generated by its activities. It is in the interest of the City of Atlanta and its residents to give preference on Eligible Local Projects to those Eligible Bidders, as defined in Section 2-1443, who have direct physical and economic relationships with the City.

(c) *Certification as a Local Bidder.* Only an approved Eligible Bidder may be certified as a Local Bidder. In order to be certified as a Local Bidder, an Eligible Bidder must submit a completed application to the Bureau of Purchasing and Real Estate, and the applicant must be approved and certified by the Bureau of Purchasing and Real Estate.

An Eligible Bidder must submit a completed and signed written application to become a Local Bidder **before** it will be allowed to receive a bid preference on an Eligible Local Project. In order to be approved as a Local Bidder and receive a bid preference on an Eligible Local Project, the application for approval as a Local Bidder and all supporting documents must be received by the Bureau of Purchasing and Real Estate no later than **thirty (30) calendar days prior** to the date bids are received on such Eligible Local Project. An Eligible Bidder who fails to submit an application for approval as a Local Bidder within thirty (30) calendar days prior to the date bids are received on an Eligible Local Project, and who otherwise meets the requirements for approval as a Local Bidder, shall be approved as an Local Bidder and receive a bid preference on such future Eligible Local Projects for which the date bids are received is at least thirty (30) calendar days after the date such application is received.

(d) *Criteria.* To be certified as a Local Bidder, the Eligible Bidder must have held a valid City of Atlanta business license for at least one year prior to the date of application for certification as a Local Bidder and, in addition, must satisfy **no less than two** of the following criteria:

(1) Verify that the Eligible Bidder's principal place of business is located in the City of Atlanta.

(2) Verify that a majority of the full time employees, chief officers, and managers of the Eligible Bidder have regularly conducted work and business in the City of Atlanta for at least one year prior to the date of application.

(3) Verify that a majority of the employees based at the Eligible Bidder's location(s) in the City of Atlanta have been residents of the City for at least one year prior to the date of application.

(4) Provide references or other means of verification acceptable to the Bureau of Purchasing and Real Estate that the services the Eligible Bidder offers to the City of Atlanta have been provided by the Eligible Bidder in the City of Atlanta for at least one year prior to the date of application.

If the applicant is a Joint Venture or Mentor-Protégé team, each participant in the Joint Venture or Mentor-Protégé team must be approved independently as a Local Bidder in order for the Joint Venture or Mentor-Protégé team to receive the bid preference on Eligible Local Projects.

(d) *Term.* The certification as a Local Bidder shall expire two years from the date of the approval of the application. Following the expiration date, a business is no longer a Local Bidder. An Eligible Bidder must submit a new application for certification as a Local Bidder to the Bureau of Purchasing and Real Estate and establish that it continues to meet the requirements

contained in paragraph (c) of this section in order to receive the bid preference on Eligible Local Projects.

(e) *Determining responsiveness of non-Local Bidders.* The geographic location of an Eligible Bidder shall be one of the factors considered by the Bureau of Purchasing and Real Estate in determining whether a bid on an Eligible Local Project is responsive. A bid submitted by a non-Local Bidder shall be deemed non-responsive on the basis that the Eligible Bidder is a non-Local Bidder, unless: (1) for Eligible Local Projects valued at less than \$500,000, the amount of the bid submitted by the non-Local Bidder is 10% lower than the lowest responsible and responsive bid submitted by a Local Bidder; (2) for Eligible Local Projects valued at \$500,000 or more, the amount of the bid submitted by the non-Local Bidder is 5% lower than the lowest responsible and responsive bid submitted by a Local Bidder; (3) the bid submitted by the non-Local Bidder would be responsible and responsive but for the fact that the Eligible Bidder is a non-Local Bidder; and (4) the amount of the bid submitted by the non-Local Bidder is lowest among bids submitted by other non-Local Bidders that would be responsible and responsive but for the fact that such other Eligible Bidders are non-Local Bidders.

(f) Eligible Bidders certified as Local Bidders shall be under a continuing duty to inform the Bureau of Purchasing and Real Estate in writing of any changes in the Eligible Bidder's business if, as a result of such changes, the Eligible Bidder no longer satisfies the requirements of paragraph (c) of this section.

SECTION FOUR: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.